

To the FCC Commission,

I wanted to use this opportunity to throw my full and 100% support for the California Coalition of Agencies Serving the Deaf and Hard of Hearing's petition for declaration ruling on interoperability. I have a deeply vested interest in this as I have been profoundly deaf since birth. First, I'd like to commend by the federal government and the FCC in helping to make communication access for deaf people a lot easier over the past ten years or so, especially with the passage of the ADA and the FCC's commitment in enhancing communication access by permitting VRS to become a part of the TRS array of communication services. It makes me feel a lot better about paying my taxes too, as I know it goes towards a government that strives to make my communication access easier as a deaf person. It has absolutely and positively impacted my life and made my life easier as I was quite functionally equivalent and felt like an equal to a hearing person when it comes to communicating via telecommunications. However with the recent activities that have been going on with VRS, as a taxpayer and a deaf consumer, I felt the need to make some of my concerns about the current issues regarding VRS known, so I will be inputting some comments that I feel correlates to the CCASDHH petition as it goes along and more.

Part II of the petition, market practices in the VRS industry do not lend themselves to the provision of seamless, integrated communication services, is an area that I strongly agree with. While not attempting to repeat anything that was said in that petition, I feel the need to include other areas that may have not been covered there but it highly relates to it. I would like to bring up the LDAP issue

In a reply comments submitted by Hands On Video Relay Service that was placed in docket 03-123 on 3/4/05, they stated that Sorenson, who is the largest provider, maintained its dominant share of the market by limiting access to its LDAP server and that the D-Link users that accessed other VRS providers had to go through this same LDAP server that is maintained by this largest provider. As I understand it, unless someone corrects me, they also have a licensing agreement with D-Link to produce the D-Link i2eye that is being used by all the other VRS providers and I presume that them maintaining this LDAP is a part of this licensing agreement.

If that is the case, then it bothers me that they control the LDAP server where all the VRS calls being conducted by other VRS providers as they could theoretically alter the quality of these calls to make their own quality appear superior. I am not saying this is being done as I have no proof of that but it's just that it could theoretically be done. Additionally, the largest provider having control of this LDAP could also theoretically allow them to know where new D-Link units are being installed by other providers and they could easily send their own installers to these locations to have their own VP-100 units installed in these same locations as well. The rest of the VRS providers do not have this privilege and I find this to be quite an unfair advantage.

When the largest provider first distributed their VP-100 units to

deaf consumers, they had this requirement that the consumers must use their VRS services for a minimum of 30 minutes a month. This is no longer done, but this leads me to believe that they were once able to use the LDAP to monitor each and every VP-100 unit installed to ensure they put in their 30 minutes a month. Since every D-Link i2eye unit also goes through this LDAP server that is maintained by them, this leads me to theoretically believe that they can also monitor every single i2eye unit that is used to reach other VRS providers and this gives them a significant advantage over the other VRS providers which I find to be quite unfair too.

I think it would be much fairer to everyone, both VRS providers and consumers alike, if this LDAP server was maintained by a neutral party that has no involvement with VRS. Perhaps NECA could take upon this responsibility or they can begin a bidding process for a neutral company to maintain it and the public funding covers this expense. Another option could be to allow the providers to develop their own LDAP server and make all the LDAP servers interoperable, in addition to the videophones being interoperable too.

Regarding the area of the consumer informed consent in this part II of the petition, I fully agree with what CCASDHH had to do so and I have a few comments I'd like to add. I was quite joyful when I first read the public notice issued by the FCC on January 26, 2005, more specifically, where it stated that consumers are allowed to have access to more than one VRS provider. Then I got to the point where it said that VRS providers should not be adjusting a consumer's hardware or software to restrict access to other VRS providers without the consumer's informed consent, my mood immediately shifted.

Now the informed consent is something that really bugs me, considering the fact that the majority of these consumers' primary language is ASL, not English. I have a vested interest in this, although I have a fairly good knowledge of the English language, but I have many deaf friends and peers across the nation that do not have this privilege and I feel an obligation to try to look out for them whenever I can so that they can lead the productive lives that they deserve.

Written informed consent such as contracts is done in the English language. Statisticians and educators across the nation often claim that the national average English level among deaf people across the nation is at the 4th grade level. This is not to say that they are undereducated or the like, but this is because English is not their primary language, ASL is. ASL is a completely different language of its own as it has its own grammar and syntax.

If you were to take all people whose Spanish or other language being their primary language, you will likely find that their English level is probably just as low, if not lower, and they would not have the full comprehension of informed consent when it comes to a lengthy contract in the English language that has to be read and signed by them. This is why informed consent concerns

me, as I feel that the wide majority of VRS users that have to acknowledge informed consent by signing a contract would not have a full understanding of the document that they are signing.

Out of all current providers, the largest provider is the only provider that requires an exclusivity contract from its consumers so I took the liberty of going into their website to review their license agreement. I was horrified to read it, solely due to the fact that many deaf consumers will not completely understand this seven page contract because English is not their primary language and this contract uses a lot of legal jargon.

But an even bigger concern of mine is the fact that these consumers are likely not going to read this contract in its entirety only because they want a free VRS device, because it enables them to use their primary language, ASL. It would not surprise me to see if some consumers signed this contract without fully reading it and having a full understanding of it only because they want a device that allows them to communicate in their primary language, ASL, and it is a product makes their lives so much easier and more convenient.

Just wave a free videophone in front of them and most of them will immediately say, "Where do I sign?" without even reading the contract. Keep in mind that other VRS providers also provide free videophones too, but they do not require exclusivity contracts as far as I understand it. If I had it my way, I would do away with exclusivity contracts of any type when it comes to communication access that involves public funding.

Additionally, the FCC says that the consumer is allowed to have more than one VRS provider, but the catch-22 here is that it appears to me that the largest provider can also threaten to sue other providers that try to install their own products to allow the consumer to have additional options to VRS providers. This has been shown on a reply to opposition to petition for reconsideration submitted by Hands On Video Relay Service that was placed in CC Docket 98-67 on 11/30/04 where they stated that a lawyer for Sorenson corresponded with a lawyer for Hands On threatening legal action because Sorenson perceived that efforts by Hands On was interfering with VP-100 users in which they had an exclusive relationship.

If that is the case, FCC allowing the VRS consumer to have access to more than one provider, but allowing informed consent becomes a moot point if the largest provider continues threats to sue other providers that do what they perceive as interfering with VP-100 users!

The largest provider is the only provider that does not provide devices that allow for access to all providers and they're the only provider that requires exclusivity contracts. If the FCC were to allow for total interoperability, then providers would not have to worry about potential lawsuits and strive to provide consumers with full access to all providers, thus allowing these consumers to make their own choices when it comes to choosing a provider, because there would be no need for exclusivity agreements.

Relating to Part III(b) of the petition, strong precedent exists for an FCC-imposed condition of interoperability, again is an area that has my full agreement and I would like to add more to this. Especially to the point that was brought up regarding the largest provider creating its own universe by failing to make its video appliances interoperable with other video products in the market.

This largest provider is the one that designed both the VP-100 and the D-Link i2eye devices and I do applaud them for coming up with a wonderful device that allows deaf consumers to use their primary language, ASL. But what I find to be quite appalling is the fact that they refuse to allow two devices that they designed to be interoperable with each other and demand exclusivity. Some consumers seem prefer the VP-100 in my opinion, only for 2 reasons.

1. The fact that it uses "phone numbers" instead of IP addresses. IP addresses continuously change and it's harder to maintain an address book full of IP addresses that continuously change. Other providers would like to design their own firmware to allow for "phone numbers" as well as other features, but cannot do so which brings me to my second reason.

2. The VP-100 also has additional features that the D-Link i2eye does not have. The reason for this is because the largest provider has designed their own firmware and it is my understanding, unless someone proves me wrong, that D-Link will not allow the other providers to design their own firmware and it's my belief that this may be a result of the licensing agreement between the largest provider and D-Link. If the other providers were allowed to invest in designing their own firmware, I think that they would do so in a heartbeat. This would also make for a more competitive environment where the VRS consumer is allowed to make their choices among providers based on their preferences, but that isn't being done.

It also appears to me that they cannot say that have superior interpreters because all other providers utilize certified interpreters too. I don't think there is too much of a difference in video quality either as both the VP-100 and i2eye was designed by the same company. These are the reasons why I feel that some people prefer the VP-100, only because it offers features that other providers are, in my opinion, somewhat prohibited from doing the same, as they cannot develop their own firmware.

It is quite obvious to me that the largest provider engages in very unfair and unethical trade practices in gaining its dominant market share that could potentially lead to a monopoly of the VRS industry. In a comment filed by Sorenson on 10/18/04, they stated that "there are many VRS choices for consumers and they can elect the services that offers them the most compelling experience", but how can this be done when they do not allow VP-100 users the opportunity to make their choices by comparing providers and yet as I mentioned, I am under the impression that they prevent other providers from designing their own firmware on the i2eye devices via a licensing agreement with D-Link, thus unable to provide the most compelling experience that they could potentially provide?

It is my opinion that VP-100 users are saying that it's better because they perceive it to be customized and are misled to believe that other providers are unwilling to design their own firmware when that is not even the case at all. It's the fact that there are unfortunately only two videophones that are of sufficient quality to meet the requirements of an effective VRS service, as far as I understand it, and they are both designed by the largest provider so all the other provider's hands are tied when it comes to firmware, as I see it. If given the chance to design their own firmware, it is my belief that most, if not all the rest, of the providers would do so. It is my belief that this is another unfair way that largest provider has obtained the dominant market share, by ensuring that the other providers are unable to design firmware for either the VP-100 or i2eye.

I think that CCASDHH hit the nail dead center in the head in Part III(c) in its petition when they stated that requiring VRS interoperability is in the public's best interest. Now I do not claim to be an engineer, nor do I claim to be a technical expert, but I find it very hard to believe that it would cause an unreasonable burden to make both of these videophones interoperable, considering the fact that they were both developed by the same company, the largest provider. The reason I believe that is because there are many other communication devices that hearing people use, such as cellular phones to name an example, that have their own firmware that appeal to their consumers, and yet, they are all interoperable with each other.

Myself, as a deaf individual, I do not have that privilege when it comes to videophones and I feel that my functional equivalency has been taken away. I will not feel functionally equivalent until I have the interoperable opportunity in the videophones and have the ease of being able to contact the provider of my choice and implementing point to point conversation using any videophone with such convenience.

This is probably the very best time possible for the FCC to issue interoperability standards among videophones before more videophone manufacturers get into the market, as it is still a relatively new market. New videophones that may be developed would also be interoperable with both the VP-100 and i2eye. Putting off the interoperable issue to a later point can cause a significant headache and become a waste of taxpayer dollars in the future in my opinion, especially when and if it comes to a point where there are numerous videophone manufacturers out there on the market and none of them are interoperable.

A great example would be the AOL instant messenger example that the CCASDHH used, as it had resulted in lawsuits, legal actions and massive headaches for many people, as they were not interoperable and they're now interoperable as a result of these expensive legal actions. It also led to instant messenger providers having to invest more money into making them interoperable. I implore the FCC to save American consumers and businesses a lot of time and money in the long run by issuing interoperability standards immediately before videophones become

more popular a